

**ENTERED**

April 30, 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

RICARDO CERVANTES VILLEGAS	§	
	§	CIVIL ACTION NO. M-16-213
	§	
VS.	§	CRIMINAL ACTION NO. M-06-1089-3
	§	
UNITED STATES OF AMERICA	§	

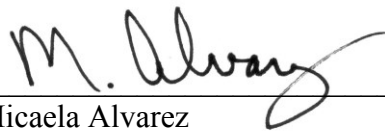
ORDER ADOPTING REPORT AND RECOMMENDATION

Pending before the Court is Movant Ricardo Cervantes Villegas's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255, which had been referred to the Magistrate Court for a report and recommendation. On April 3, 2019, the Magistrate Court issued the Report and Recommendation, recommending that Respondent's motion to dismiss be granted, that Movant's § 2255 motion to vacate be denied, that Movant be denied a certificate of appealability, and that this action be dismissed. Movant filed objections to the Report and Recommendation.

Pursuant to Federal Rule of Civil Procedure 72(b), as to those portions of the Report and Recommendation to which objections were made, the Court has conducted a de novo review and as to those portions to which no objections were made, the Court has reviewed the Report and Recommendation for clear error.<sup>1</sup> Finding no error, the Court adopts the Report and Recommendation in its entirety. Accordingly, it is hereby ORDERED that Respondent's Motion to Dismiss is **GRANTED**, that Movant's § 2255 Motion to Vacate is **DENIED**, that Movant is denied a certificate of appealability, and that this action is **DISMISSED**.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 30th day of April, 2019.

  
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Micaela Alvarez  
United States District Judge

<sup>1</sup> As noted by the Fifth Circuit, "[t]he advisory committee's note to Rule 72(b) states that, '[w]hen no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" Douglas v. United Servs. Auto. Ass'n, 79 F.3d 1415, 1420 (5th Cir. 1996) (quoting FED. R. CIV. P. 72(b) advisory committee's note (1983)) *superceded by statute on other grounds* by 28 U.S.C. § 636(b)(1), as stated in ACS Recovery Servs., Inc. v. Griffin, No. 11-40446, 2012 WL 1071216, at \*7 n.5 (5th Cir. Apr. 2, 2012).